

Master Glyn's
REPLY

TO THE EARLE
OF
STRAFFORDS
DEFENCE

OF

Wentworth
The severall Articles objected
against him by the House of
COMMONS.

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Master GLYNs Reply to the
Earle of STRAFFORDS
Defence.

My Lord of Strafford having concluded the recapitulation of his evidence, Mr. Glyn applied himselfe to their Lordships in manner following.



Ay it please your Lordships, my Lord of *Strafford* (as your Lordships have observed,) hath spent a great deale of time in his evidence, and in his course of answering hath inverted the order of the Articles; He hath spent some time, likewise, in defending the Articles not objected against him, wherein he hath made a good answer, if in any: wee shall presume to withdraw a while, and rest upon your Lordships patience; and I doubt not but to represent my Lord of *Strafford* as cunning in his answer, as hee is subtile in his practice.

The Committee withdrawing for about the space of halfe an houre, and then returning to the Barre, Mr. Glyn proceeded as followeth.

My Lords, your Lordships have observed how the Earle of *Strafford* hath been accused by the Commons of England of high Treason, for a purpose and designe to subvert the fundamentall Lawes of both the kingdomes, of England and Ireland, and to introduce

an Arbitrary, and Tyrannicall government: The Commons have exhibited Articles in maintenance of that charge: My Lord of Strafford hath thereunto answered in writing. The Commons have proceeded to make good their charge by prooffe, and thereunto my Lord of Strafford hath made his defence; and this day my Lord of Strafford hath taken upon him to recollect his evidence, and make his observation upon it, the most he could to his advantage.

My Lords, wee that are intrusted for the house of Commons, stand here to recollect the evidence on our part, and to apply it to the generall charge, and how farre it conduces thereunto.

My Lord of Strafford in recollecting the evidence of his defence, as I did mention before, hath (under favour) exprest very much subtilty, and that in divers particulars, which I shall represent to your Lordships.

My Lords, before I enter upon the recollection of the proofes produced on the behalf of the Commons, I shall make some observations, and give some answer to that recollection of his; though very disorderly to the method I propounded to my selfe.

And first, in generall, it will appeare to your Lordships, (looking upon your notes, and observing his recollection) that he hath used the repetition of evidence on both sides, in such manner as you know who useth Scripture; that is, to cite as much as makes for his purpose, & leave out the rest. And likewise, that in repetition of the evidence, he hath mis-recited, plainly, very much of the proofs on both sides, & likewise hath pretended some proofes to be for his defence, which indeed were not: and hee hath taken this farther advantage; when it makes for his defence, he hath dis-
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joynted the proofes, and testimonies, and severed them
 asunder, that it might appeare to your Lordships, like
 raine falling in drops, which considered in distinct
 drops bring no horreur, or seeming inconvenience
 with them; but when they are gathered together into
 an entire body, they make an Inundation, and cover the
 face of the earth. He would not have your Lordships
 look on those Testimonies together, but distinctly, and
 asunder, w^{ch} being put together look horrid, as will ap-
 peare to your Lo. when you duly consider of them.

These be the generall observations, which in my
 Answer I doubt not but to make good: But before I
 shall enter into observations of what hee hath spoken,
 I shall answer in generall to some things which hee
 hath in generall alledged.

In the first place, hee hath made a flourish this day,
 and severall other dayes in the way of his defence,
*That if hee could have had longer time, hee could have
 made things appeare clearer, and have produced more
 proofes.* Give mee leave to informe your Lordships
 that he is no way straightned of time, for he hath bin
 charged above three months since he knew what was
 laid to his charge, and therefore his pretence of want
 of time, and of his disabilities to make better proofes,
 are but *flourishes*. And it appears plainly, whatsoever he
 hath had occasion to make use of, even the least paper,
 though hee fetched it from Ireland, there is not one
 wanting; he hath copies of papers from the Councell
 Table, from the Parliament of Ireland, and all that
 may any way tend to his justification, and yet he stands
 upon that *flourish*, that if he had had time he could have
 made it more cleare.

My Lords, he hath mentioned often this day, and

oftner the dayes before, *that many of the Articles laid to his charge are proved but by one witnesse*; and thereupon he takes the advantage of the Statute of E. 6. that sayes, *A man ought not to be condemned for high Treason without two witnessses.* My Lords, this is a fallacy knowne to his own breast, I doubt not, and not taught him by any of his Councell, or others learned.

The Treason laid to his charge, is, *the subverting of the Lawes*; the evidence is, the *Articles* proved: and though some one Article appeares to be proved but by one, yet put the evidence together, you shall never find it to bee within the words or meaning of the Statute; for the charge is proved by a hundred witnessses: and because one part of the evidence is proved onely by one witnesse, since, when you put them together, you will find a hundred witnessses, it is not within the words nor meaning of the Statute, neither will his Councell direct him to say so, I am confident.

My Lords, another observation I shall be bold to make, is, that hee was pleased to cast an asperſion (as we must apprehend) upon them that be trusted by the house of Commons this day, That we that stand here, alledged and affirmed things to be proved, that are not proved: Hee might have pleased to have spared that language; we stand here to justify our selves, that we doe not use to expresse any language, but what our hearts and consciences tells us is true; and howsoever he is pleased to cast it upon us, I am confident I shall invert it upon himselfe, and make it appeare, that hee hath bin this day guilty, in the highest degree, of what he most unjustly layeth to our charge.

And now my Lords to enter upon the particulars, hee hath beene pleased to make it his generall *Theame*

to

to day (though hee hath not spoke much to day but what he hath spoken formerly) that these particulars considered by themselves *make not a Treason*, and therefore put together he wonders how they should make a Treason: Several misdemeanours can never make a murder, and severall murders can never make a Treason, and he wonders it should be otherwise in this case. My Lords he did instance it (if my memory failes me not) in a case of Felony; *That if a bloody knife should bee produced in the hand of the party suspected to have slaine the man, if the party had bin there seen before the death, it were a strong evidence; but there must bee death in the case, the fact must be committed, else there can be no murder*: but he himselfe might answer himselfe, for there is a great difference: There cannot be murder but there must be death, but hee knowes very well there may be Treason and yet no death; it is too late to forbear questioning Treason for *killing the King, till the King be killed*: God forbid wee should stay in that case, for the *very intention* is the Treason, and it is the *intention of the death of the Law* that is in question, and it had beene too late to call him to question to answer with his life for the death of the Law, if the Law had been killed; for there had been no Law then; and how should the Law then have adjudged it Treason, when the same were subverted and destroyed: and therefore he is much mistaken.

The greatest Traytor, in the memory of any that sits here to heare me this day, had a better, a fairer excuse in this particular then my Lord of *Strafford*, and that is *Guido Faux*; for hee might have objected, that the taking of the Cellar, the laying of the Powder under the Parliament House, the kindling of the match,

match, and putting it neare, are not so much as a misdemeanor, if you look no further; for it was no offence in him to lay Barrels under the Parliament House, and to kindle the match, and to lay it neere; but collect all together, that it was *ea intentione to blow up the King and the State*, there is the Treason: but God be blessed it was not effected; So that the rule is the same. Nay, my Lord of Strafford hath not so much to say, when he is charged with a purpose and intention to subvert the Law; for to that purpose gave he trayterous counsels, and executed actions, thereby discovering his intentions to destroy the Kingdome, and to destroy the Kings claime by Law, and descent. It is true, they were not put in execution, but they declared his intentions; therefore this gives an answer to his first flourish, which is not so great an Argument as the greatest Traytor might use for himself, and yet it proved Treason in him.

My Lords, he hath been pleased to divide his Treasons into two parts, and his division I allow of; that is, Treason by Statute-Law, as he tearmes it, though it be Treason by the Common-Law; and constructive Treason: And upon that method hee hath recited the evidence produced on either part; Give mee leave to follow and trace him a little, and afterwards to discharge my duty in taking my owne course, and representing the evidence as it appeares, truly; and I will avoid (as much as I can) to fall into my Lord of Straffords error, in mis-reciting a Particle; if I doe, it shall be against my will.

He begins with the fifteenth Article, and pretends that that is not proved; the ground and foundation of that Article was a warrant issued out by himselfe to a Sergeant

Sergeant at Armes, one *Savill*, which gave directions and power to that Serjeant to lay souldiers on any person that should contemne the Proceſſe of the Councell boord in Ireland; that was the effect: Now (ſayes he) *this warrant is not produced*, and addes, *that the Judges will tell your Lordships, that if a man bee charged with any thing under hand and ſeale, the deed muſt be produced and proved, or elſe no credit is to bee given to it.* Truly, my Lords, it is true, if it had bene a Bond, or a Deed, where thoſe that ſeale it uſe to call their neighbours to teſtifie, and be witneſſes to it, perhaps it might be a colourable answer, that becauſe we do not produce the Deed, and prove it by witneſſes, you can therefore give no credit to it: But, my Lords, in caſe of authority to commit high treaſon, I ſuppoſe my Lord of Strafford, nor any other did call witneſſes to prove the ſigning, ſealing and delivering of the warrant for execution of high treaſon; and therefore it is a new way and invention found out by his Lordſhip, for ought I ſee, to commit high treaſon, and to give authority for it; and it is but taking away the originall warrant, and hee ſhall never be touched for any treaſon. But I beſeech your Lordships patience, till I come to open that Article, and your Lordships will finde the warrant, (though it be not produced,) proved by three or foure witneſſes, and his hand & ſeale proved too. And wheras he pretends the Sergeant at Armes is no competent witneſſe, becauſe he excuſes himſelfe; my Lord miſtakes himſelfe, for I take it to bee no excuſe to prove a warrant from any perſon whatſoever, if it be to commit high treaſon: and therefore *Savills* teſtimony is the more ſtrong, being ſo farre from excuſing, that hee doth accuſe himſelfe:

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And though he is charged with laying of souldiers upon the Kings people, contrary to an expresse Act of Parliament made in 18. H. 6. yet my Lord is pleased (I know not how to terme it, whether it be merrily, or otherwise) to use his Rhetorick, *Here is a great levying of war, when there is not above foure Muskietiers, or six at most, laid upon any one man.*

My Lords, it is a plain levying of warre, and without all question, and in all sense, it is as much mischief, vons to me to be surprized by foure or six Muskietiers, to enforce me to any thing they would have, as if there were an Army of forty thousand brought upon me; for if that strength will but over-master me, it is all one to me whether I be mastered by foure, or by foure thousand. And therefore let not this be a rule, that to send foure, or six, or ten Muskietiers up and downe is not considerable, because of the smalnesse of the number (the danger is the same;) yet *this is no levying of warre, because they goe not in troops of greater number, as it pleases my Lord of Strafford to affirm.*

My Lords, your Lordships remember what the effect of the Warrant is sworn to be, that howsoever the Sergeant at Armes, and his Ministers that executed it, brought but foure, or six, or ten, yet the Sergeant might have brought all the Army of Ireland, for there was authority so to doe.

And admitting the matter of fact proved, he mentions an Act of Parliament made 11. Eliz. whereby a penalty is laid upon men that shall lay souldiers on the Kings subjects, and yet (as my Lord observes) *it must now be Treason in the Deputy.*

My Lords, the very casting of an eye upon that Act, shewes it to be as vainly objected, as if he had said nothing;

nothing; for in truth it is no other than as if he should say, *The King hath given me the command of an Army in Ireland, and therefore I may turne them upon the bowels of the Kings subjects*: It is no more in effect.

Your Lordships have heard him the other day mentioning two Acts of Repeale, and I expected he would have insisted upon them; but it seemes he hath beene better advised, and thinks them not worthy repetition, nor indeed are they. And if the matter of fact be proved upon the fifteenth Article, I am confident he will find the Statute of 18.H.6. to be of full force.

My Lords, I am very sorry to heare, that when levying of warre upon the Kings subjects is in agitation, and he charged with high Treason, he should make mention of the Yorkshire men, and the army now on foot, whereby he would insinuate, that if he be charged with high Treason, then they must be likewise, though they lye quartered, and have meat and drink with the assent of the people; which may breed ill blood for ought I know.

From the fifteenth Article he descends to the three and twentieth, and that is the Article whereby he stands charged with *speaking of words, and giving of counsell to his Majestie to incense him against his Parliament, pretending a necessity, and telling him he is loose and absolved from all rules of government; that he had an Army in Ireland which he might make use of to reduce this kingdome.* In this he is pleased to begin with the testimony of my Lord Ranelagh, conceiving an apprehension and feare in him, that the Army should goe over to England, which my Lord sayes, is no more but his saying, and master Treasurer Vane's.

I pray God my Lord Ranelagh had not much cause

to feare; but by the same rule he may lay a charge of unwarrantable feare upon all the Commons; for sure the Commons of England did feare it, else they would not make an Article of it: But my Lord *Ranclagh's* feare did not arise from a slight cause, and he shewed himselfe a good Common-wealths man in expressing it, and he is to be commended for it, howsoever it be apprehended by my Lord of *Strafford*.

For his observation of the single testimony of Mr. Treasurer *Vane*, give me leave to take the same latitude as his Lordship did; for he shewes to three or foure Articles what he could have proved; as to the Article concerning the Army, *he could have proved the designe of it by Sir John Burlacy, and some others, if they had beene here.* But by this rule and liberty hee hath taken to alledge what he could have showne, give me leave to tell you what we might have showne, and are ready to shew: We could have made it expresse, and proved it by notes taken by Secretary *Vane* the fifth of May, when the words were spoken, which notes should have beene proved, if we had proceeded on the three and twentieth Article, to corroborate the testimony of Mr. Secretary *Vane*, and that by two witnesses. Wee could likewise have showne how we came to the knowledge of it, it being by means unknowne to master Secretary *Vane*, and have made him an upright Councillour and witnesse: but we shall prove his intentions to bring in the Irish Army another way, when I come to open my owne course and method.

My Lords, hee pretends *these words were spoken the fift of May*, but when they were testified by master Treasurer, he did not speak of the fifth of May, and yet now my Lord remembers the day; and I wonder how hee
came

came to the knowledge of the day, unlesse he likewise remembered the words.

But that my Lord observes, is, *That being spoken then, how should he perswade the King, that he had an Army in Ireland, when in truth he had none there? for the Army was not on foot till a moneth after.* This, my Lords, is plainly answered; and if he had thought of his owne answer, he had answered himselfe: for he tels you, *that in April before, he had taken a course for the levying of the Army, he had nominated the officers, giving direction for raising it: And, the day of the Rendezvous of the Army was appointed the 18. of May.* And so in his owne answer he makes an answer to the objection, and the objection is taken away out of his own confession.

From that Article he falls to the seven and twentieth Article, whereby he stands charged with *levying money by force upon the Kings people in Yorkshire*: he is pleased to observe, *that all the proofes for the maintenance of that Article, is onely the levying of money with foure soldiers by Sergeant Major Yaworth.* Where he is pleased to *disdaine the war, because it was so weak,* yet it was too strong for them (God help them) that were forced upon pain of life to pay it. And whereas he pretends the warrant was not from him, I shall reserve that till I come to the Article, and when I come to the proofes, I beleeve it will remain fixed upon him.

And there he left his Statute Treason, and now he falls to the second kind of Treason, and that was the *introductive or constructive Treason*: He begins with the third Article, that is, concerning some words that he should be charged to have spoken in Ireland; & I shal desire that your Lordships would be pleased to look upon your notes, how he answers that Article; *My Lords, sayes he, I am*

charged to say that Ireland was a conquered Nation, and that their Charters were nothing worth, and bind the King no further than he pleaseth; therefore I am a Traitor because I speak the truth. There was his answer in his collection. And for their Charters he sayes, he might might very well say so, for he intended it no other wise, but according to the validity of them, for they were severall wayes questionable, and ought not to bind, unlesse they were good in law. But if you look upon his Arguments, he hath, like a cunning Oratour, omitted the principall part of the Article; and that is, *that Ireland is a conquered Nation, and they were to be governed as the King pleaseth, the King might doe with them what he lists*; this he omits: although they be proved by three witneses, and are applicable to his intentions fully; yet he could make use of so much as makes for him, and leaves out the rest, like your Lordships know whom.

Then he descends to the fourth Article, and this concerns some words he should speak upon an occasion betwixt him and my Lord of Cork, that he should tell my Lord of Cork, *he would have neither Law nor Lawyers dispute or question his orders*. And upon another occasion, *that he would make my Lord of Cork and all Ireland know, that all Acts of State (which are Acts of Council) there made, or to be made, should be as binding as any Act of Parliament*: This he said was proved but by one witnesse: and I extremely marvell to heare him say so; for the latter words wee proved by foure, or five, or six witneses, that is, *that he would have Acts of State as binding as Acts of Parliament*. Whereas he sayes these are all the words produced against him in the time of seven yeeres government there, your Lordships have heard of many words, and if we would trouble your
 Lordships

Lordships further in this kind, we could prove such words spoken, as often almost as he remained dayes in Ireland; that is, for the mis-recitall. The other part two witnesses proved; but the residue, *That they must expect law from the King as a Conquerour, That Acts of State should be equall to Acts of Parliament, And when an Act of Parliament would not passe, he would make it good by an Act of State*, these speeches at other times were proved by five witnesses.

Then he falls back to the second Article, touching the words, *That the Kings little finger should be heavier then the loines of the Law.*

My Lords, these words were proved expressly by five witnesses, to be by him spoken; and if he had produced five hundred that had said he did not speak them, they had not been equivalent to disprove five; but he produces none. Sir William Penniman repeats other words, and inverts them, and none but he. Another party, a Minister, reports a report that hee heard concerning these words, but, my Lord, saith he, *the occasion of the speaking of them was not mentioned.* Truly perhaps it might bee the forgetfulness of my Lords memory, but let me put him in mind. And your Lordships remember that the occasion was exprest by one, and that is Sir David Fowles, that he laying a command upon Sir David to repair a bridge, and calling him to account why it was not repaired, Sir David Fowles told him, *he could not doe it by law.* And therefore omitting it, my Lord said to him, *Sir, some are all for Law and Lawyers, but you shall know that the Kings little finger will be heavier then the loines of the Law.* Here is the occasion, though he would have another business, the knighting money to be the occasion.

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From the second he falls to the three and twentieth Article, that is, concerning words, That he should counsell his Majestie, that *he might use his Prerogative as he pleased*; but in saying there was no prooffe offered, hee here begins to fall upon the *other fallacy*, that is, to pull things asunder (whereas we produce them together) and would make that that is a *faggot*, to be but a *single stick*; but, under favour, when I come, with your Lordships patience, to open the force of the proofes, and put them together, he shall find (contrary to his expectation) that they are fully proved by the testimony of many witnesses, upon consideration of the precedent, concurrent, and subsequent acts and intentions of my Lord of *Stratford*.

I shall not now run over my Lord Primates testimony, or my Lord *Conwayes*, or master Treasurers, or my Lord of *Bristols*, but make use of them in their proper places, when I shall put all together, to shew his design, and to prove his speaking of the words.

Then hee comes to the five and twentieth Article, which I shall not insist on, though he pretends it not proved; I shall referre that to my recollection, that I may not answer to his pieces, but bring all together, and then the horrour of his fact shall more speciously appeare. Onely this (under favour) I cannot passe over, when he comes to justify an advice and counsell of the Kings being loose and absolved from all rules of government, and that he might use his *Prerogative as hee pleases*, he is pleased to *mention the argument of the Judges in the ship money, and what they should deliver, he makes the warrant of his counsell*. Now your Lordships may observe, he would justify his actions by law, in some cases, where it is to his advantages, but in other cases

cases hee must be ignorant of the Law.

But, my Lords, for him to mention any thing in the Argument of the Judges, concerning the ship-money, which is now condemned, and to make that a ground of his counsell and advice to the King, and not the judgement in truth, but the argument of the Councell at Barr, that therefore he is loose, and absolved from all rule of government; for him to make the Parliaments deferring to give supply, to be that necessity which was insisted upon in the Councells argument, and to be such an unavoidable necessity, as to beget an Invasion upon propriety and liberty, it rests in your judgements, and the judgements of all that heare me, what argument this is, and what he declares his opinion to be this day.

In the latter part, let me close hands, and agree with him; he sayes, Prooves must be taken by themselves, they must not be judged by peeces, but together; and now in good time I shall joine with him, and shall desire the same judgement, That things may not be taken asunder, but judged together, according to his owne words.

For the twentieth Article, he is thereby charged with *being an Incendiary between both Nations, and an occasion of drawing two Armies into this kingdome, and to incense the warre.*

My Lords, I remember (if I did not mis conceive, and my memory misprompt me) my Lord said, *he could have no occasion to incense a war, being a man of estate, and should have no benefit by it, having sufficient to live without it:* but in due time I shall make it appeare, to my apprehension, and I beleve to your Lordships, when you have heard it, that the incensing of this war, and provoking of it, was the principall instrument of bringing to passe his

designe of subverting the Lawes, through the whole work of it.

My Lords, in the passage of this, he takes occasion to speak of the testimony of master Secretary *Fane*, who testifies, that *my Lord was for an offensive; and himselfe for a defensive warre*: whence my Lord argues, *here is no great difference, for both were for a warre*: but, my Lords, is there no difference betweene an offensive and defensive warre, in case of subjects that live under one King? is there no difference to bring an Army to offend them; and for the King to raise a force to defend himselfe? truly I think there is a great difference, and a very materiall one too: but your Lordships see hee makes no difference between them.

My Lords, in the foure and twentieth Article he mentions, *that he is charged with being an occasion to breake the Parliament*, and layes hold of that, as in the other Articles, that *it was not proved, but declined*. My Lords, when hee shall heare the repetition of the evidence, though part of the Article was not particularly insisted upon, yet I beleeve it will appeare to your Lordships, and the world, that he was the occasion of breaking the last Parliament; and it is expressly proved by witnesses enow; and though he sayes, *how should any body thinke him an occasion of it; that did so often advise Parliaments?* yet I shall shew anon, that when he did advise them, it was to compasse his owne designe and plot, without which his ends could not be brought to passe.

He came from the foure and twentieth Article to the seven and twentieth, and he answers against that Article, that *when Armies are in the field, men cannot walke so peaceably, as an Attornej with his box and papers in Westminster hall*. I know not what he meanes; but when

two Armies are in the field, they may raise warre against the Kings people, as well as the King for his just defence; it is the way to make his people terrified with armies, and to avoid them as a serpent, and therefore it is a dangerous aspersiō, as I conceive.

With these he concluded, except some things that hee took, by way of artificiall insinuation, to perswade your Lordships, that *it was dangerous to raise a Treason that had laine asleep I know not how many hundred yeeres, and create a Treason.* A strange thing indeed it is, *that a man should be charged with a Treason for subverting the Law!* A strange thing that one should be charged with Treason for killing a Justice sitting in the seat of justice, and yet it should bee no Treason to destroy King, and kingdom, and people, and all; all which are destroyed, if the Law be subverted.

And now having touched upon what he hath spoken, with your Lordships good favour, I shall crave leave to run the course I have propounded with my selfe, and that very briefly, that is, upon the whole matter to shew how far the evidence, produced on the Commons part, doth prove the charge.

My Lords, *That laid to his charge is a design and purpose to subvert the fundamentall lawes of two kingdomes, and to introduce an Arbitrary and Tyrannicall government;* not that he did effect it, but that he did intend it: for if he had done it, it had been too late to question it, he had left no rule whereby to call him to triall; but his intention and his endeavour are his charge.

My Lords, how farre this is proved; if your Lordships be pleased to call to mind, the Articles, and the evidence produced on the Commons part, your Lordships will find, I beleeeve, that his words, his counsell, and

his actions, doe sufficiently prove his endeavouring to destroy.

In the first Article, where my Lord of *Strafford* hath the first opportunitie offered him to put this endeavour in execution (that is the first place of eminency amongst his other places and commands, which, I take it, was his being made President of the North) he is no sooner there, but there be Instructions procured to enable him to proceed in that Court, almost in all causes; for a man can scarce think of a cause which is not comprehended within the Instructions obtained after his comming thither: but I shall put your Lordships in mind of two clauses of the Instructions procured in the eighth yeer of this King, and after he was President; that is, the clause of *Habeas Corpus*, and *Prohibitions*; that no man should obtaine a *Prohibition*, to stay any suit that should be commenced before him, in the Councell of *York*; that if any man should be imprisoned by any processe out of that Court, he must have no *Habeas corpus*. A *Prohibition* is the onely meanes to vindicate the estate of the subject, if it be questioned without authoritie. A *Habeas corpus* is the onely meanes to vindicate his liberty, if it be detained without law: but these doores must be shut against the Kings subjects, that if either they be questioned; or restrained before him, there must be no reliefe. How far he could goe further I am to seek, there being no means for the subject to relieve himselfe, if he be questioned for his estate without authoritie; no meanes to redeeme himselfe, if his person be imprisoned without law. And he had so incircled himselfe about, that if the Judges should fine the party that returns not the *Habeas corpus*, according to law, there was a power, and a warrant, by the Instructions, to the Barons, to discharge the Officers of

of that fine. And now I referre it to your Lordships judgements, whether this be not to draw an arbitrary power to himselfe.

For the execution of this power, it is true, it is proved to be before the instructions in the eighth yeere of the King; but then it riseth the more in judgement against him; for your Lordships have heard how he went into a grave Judges chamber, blaming him for giving way to a Prohibition, granting Attachments against one that moved for a Prohibition; and though this was done before the Instructions were granted, yet the Instructions comming at the heeles of it, sheweth his disposition and resolution more clearly, for he acts it first, and then procures this colour to protect it: and though he pretends there was no prooffe, yet I must put your Lordships in mind, that when these things were in question, concerning the apprehension of a Knight, by a Sergeant at Arms, he kneeles to his Majestie, *that this defect might bee supplied, and this jurisdiction maintained, else he might goe to his owne Cottage.*

And here being the just commencement of his greatness, if you look to the second, it followes, that at the publick Assizes he declared, *that some were all for law, but they should find the Kings little finger heavier then the loines of the law.* He did not say *it was so*, but he infused it as much as he could into the hearts of the Kings people *that they should find it so*; and so he reflects upon the King, and upon his people: The words are proved: And to speak them in such a presence, and at such a time, before the Judges and Countrey assembled, they were so dangerous, & so high expressions, of an intention to counsell the King, or act it himselfe, to exercise an arbitrary government, above the weight of the law, as possibly

could be exprest by words. And this is proved by five witnesses, and not disproved, nor is any colour of disproof offered, but only by Sir *William Penniman*, who saies, *he heard other words*, but not that *he heard not these words*: If hee doth, he must give me leave not to beleieve him; for five affirmations will weigh downe the prooffe of a thousand negatives.

He staies not long in England with this power (though while he staies you heare how he vexes the subject) but then he goes into Ireland; and as his authority increases, so he ampliates his designe; and no sooner is he there, but the third Article is laid to his charge, That when the City and Recorder of Dublin, the principall City of Ireland, presented the Mayor, upon a solemne speech and discourse concerning the lawes and liberties (as your Lordships know that is the subject matter of a speech at such presentments, as when the Lord Mayor of London is presented to the King) I beseech your Lordships observe the words he then used, *they were a conquered Nation*, and that we lay not to his charge, but *they were to be governed as the King pleases, their Charters were nothing worth, and bind but during the Kings pleasure*.

I am to seek, if I were to expresse an arbitrary power, and tyrannicall government, how to expresse it in fitter words, and more significant terms than these, that *the people shall be governed as the Kings will, that their Charters, the finewes and ligatures of their liberties, lands, and estates, should be nothing worth, and bind no longer then the Kings pleasure, specially being spoken upon such an occasion*, and the words proved by two or three witnessnes of credit and quality.

From thence we descend to Articles, that shew the execution of his purpose. There be three things a man enjoys

enjoyes by the protection of the law; that is, his life, his liberty, and his estate. And now, my Lords, observe how he invades, and exercises a tyrannicall jurisdiction, and arbitrary government over them all three. I shall begin with the fifth Article, that is concerning my Lord *Mountnorris* and *Dennis*. My Lord *Mountnorris*, a Peere of that Realm, was sentenced to death by procurement of my Lord of *Strafford*; who, howsoever hee pretends himselfe not to be a Judge in the cause, yet how farre he was an Abettor, and Procurer, and Countenancer, and drawer on of that sentence, your Lordships very well remember; he was sentenced to death, without law, for speaking words at a private Table, God knows, of no manner of consequence in the world, concerning the treading upon my Lord of *Strafford*s toe; the sentence procured seven moneths after the words spoken, and contrary to law, and himselfe being put in mind of it, my Lord *Mountnorris* desiring to have the benefit of the law, and yet he refusing it.

And then it was in time of peace, when all the Courts of justice were open, and to sentence a man to death of that quality, my Lord of *Strafford* himselfe being present, an author, a drawer on of it, makes it very hainous. Your Lordships remember this Article was fully proved; and though he pretends his authority by a letter from his Majesty, I shall in due time give a full answer to that, so that it shall rise up in judgement against him, to aggravate his offence, and that in a great measure.

Here he exercises a power over life, his excuse was, that he procured a pardon for my Lord *Mountnorris*; but the power was exercised, and the tyranny appeared to be the more; he would first sentence him to death, and then rejoyce in his power, that he might say; There remains no

more

more but my command to the Provost Marshall to doe execution. To exercise a power over his life, and to abuse him afterwards, is very high; but no thanks to him that the sentence of death was not executed, it was the grace and goodnesse of his Majesty that would not suffer my Lord *Mountmorris*, a person of that eminence, to be put to death against law.

But the other was hanged; and, as appears, against law; and though my Lord pretends the party was burnt in the hand, yet that was not proved, nor materiall: and for him to doe this in time of peace, when the Courts of justice were open, it argues a desire in his breast to arrogate a power above law.

And in truth I may not omit some observations that my Lord made this day; *he hopes his Majesty would be pleased to grant him a Pardon.* I perceive hee harboured in his thoughts, that hee might hang the Kings subjects when he would, and then get a Pardon of course for it. The Lord blesse me from his jurisdiction.

My Lords, give me leave to goe back againe, here is power over the lives and liberties of the subject; but he exercised likewise a Tyrannicall power over his estate. Your Lordships may be pleased to remember the fourth Article, where he judges my Lord of *Corks* estate, in neither Church land, nor plantation land, and therefore had no pretence of a jurisdiction; for it is a lay fee dissolved by Act of Parliament to the Crown; yet he deprives him of his possession which he had continued for twenty nine yeeres, upon a paper petition, without rules of law. And whereas my Lord of *Cork* went about to redeme himselfe (the law being every mans inheritance, and that which he ought to enjoy) he tels him, *hee will lay him by, hee tels, yf he withdraw not his proces:* and

so when he hath judged him against an expresse Act of Parliament, and Instructions, and bound up a great Peere of the Realme, hee will not suffer him to redeeme that wrong, without a threat of *laying him by the heeles*, and *he will not have Law nor Lawyers question his Orders, and would have them all know, an Act of State should be equall to an Act of Parliament*: Which are words of that nature, that higher cannot be spoken, to declare an intention to proceed in an arbitrary way.

The next was in my Lord Mountnorris his case, and *Rolstone*. And here I must touch my Lord with mis-repetition. *Rolstone* preferred a petition to my Lord Deputy, my Lord Deputy himselve judges his estate, and deprived him of his possession, though he cannot produce so much as one example, or precedent (though if he had, it would not have warranted an illegall action) but hee cannot produce a precedent, that ever any Deputy did determine concerning a mans private estate; and if hee hath affirmed it, he proved it not: some petitions have been preferred to him, but what they be *non constat*. But, though never any knew the Deputy alone to determine matters of land, yet he did it.

To the seventh Article we produce no evidence; but my Lord of *Strafford* cannot be content with that, but he must take upon him to make defence for that which is not insisted upon as a charge; but since he will doe so, I refer it to the book in print, where he determines the inheritance of a Nobleman in that Kingdome, that is, my Lord *Dillon*, by a case falsly drawne, and contrary to his consent; and though he deprives him not of his possession, yet he causes the Land to be measured out, and it is a danger that hangs over his head to this day. And had we not knowne that we had matter enough against

my Lord of *Strafford*, this should have risen in judgement against him; but I had not mentioned it now, if he had not mentioned it himselfe.

The eighth Article contains severall charges, as that of my Lord Chancellour, *how he imprisoned him upon a judgement before himselfe and the Councell, how he enforced the Seale from him when hee had no authority; nay, though it were excepted by his Patent that hee should no way dispose of it;* but he looked not to Authority, further then might make way to his will.

Another concerns the prime Earle of that Kingdome, my Lord of *Kildare*, whom he imprisoned, and kept close prisoner, contrary to the Kings expresse command for his deliverance; and in his answer my Lord acknowledges it, but sayes, that *that command was obtained from the King upon a mis-information.*

These things I would not have mentioned, if he had passed them over; but since he gives them in, give mee leave to mention, and say, we had a ground to put them into charge, and could have proved them, if there had been need, punctually and expressly, and I beleeve little to my Lords advantage.

But Your Lordships I think doe remember my Lady *Hibbotts* case, where the Lady *Hibbotts* contracts with *Thomas Hibbotts* for his inheritance for 2500. l. executes the contract by a Deed, and Fine levied, deposits part of the money, and when a Petition was exhibited to the L. Deputy and Councell for the very estate, your Lordships remember how this came in judgement before my Lord Deputy; there was but a petition delivered, there was an answer made, and all the suggestions of the petition denied; yet my Lord spake to *Hibbotts* himselfe, that was willing to accept the money, *not to decline the way*
that

*that he was in by petition ; five hundred pound more will doe him no hurt to carry into England with him : and yet, without examination of a witnesse, a Decree was made to deprive this Lady of her estate: And the purchasing of this land by my Lord of *Strafford* was proved by two witnessses, though not absolutely ; yet by confession of Sir *Robert Meredith*, and others, whose names were used in trust for my Lord of *Strafford*, and that it proved according to my Lord of *Straffords* prophecie; for the man had five hundred pounds gaine above the Contract with my Lady *Hibbotts* :*

But after, the lands were sold for seven thousand pound; so that the Lady *Hibbotts* offence was her making of a bargain whereby to gain five hundred pounds ; But there was no offence in my Lord, to make a bargain for three thousand pounds, and to gain foure thousand pound presently : this you see proved by *Hibbotts* the party, and by master *Hoy* the son of the Lady *Hibbotts*.

So that here is a determination of a cause before the Councell Table touching land, which was neither plantation, nor Church-land, without colour of the instructions, contrary to law, to statute, to practice ; and if this be not an exercising of an unlawfull jurisdiction over the Land and Estates of the subject, I know not what is.

In his answer to this case hee did open it (yet whether he mistook or no I know not) *that hee had a letter from the King*, but he produces none in evidence ; and that is another mis-recitall. I am sorry he should mis-recite, and fix it upon the person of his Sovereigne in a case of this nature.

Now he falls more immediately upon the liberty of the subject, and that is by the Warrant mentioned in the

ninth Article, to be issued to the Bishop of *Downe* and *Conner*, whereby he gives power to him and his Officers to apprehend any of the Kings subjects that appeared not upon Proces out of his Ecclesiasticall Courts, expressly contrary to law; and your Lordships have heard how miserably the Kings subjects were used by this warrant, as hath beene proved by a Gentleman of quality, Sir *James Mountgomery*: And howsoever hee pretends it was called in, it was three whole yeers in execution, before it was called in; and though he pretends his Predecessours did ordinarily grant Warrants of that nature, yet he proves no such thing.

My Lord Primate was examined, and he sayes, that Bishop *Mountgomery* did tell him there was such a Warrant, and one witnesse more speakes of one Warrant, and that is all the witnesses produced, and that but to be a copy too. Your Lordships have heard how he exercises his jurisdiction and power over particulars, and that in a numerous manner; now your Lordships shall find it universall, and spread over the face of that Kingdome that was under his jurisdiction, and that is in the tenth Article, which concernes the Customes: where hee doth impose upon the Kings subjects a rate and taxe against law, and enforces them to pay it, or else punishes them for it; which is expressly an arrogating to himselfe of a jurisdiction above the law.

My Lords, in his answer he pretends that *this is rather a matter of fraud than otherwise*: in truth and so it is, and that a great one too. But as it is a fraud, a dis-service, and deceit to his Majestie, so it is likewise an exercise of a tyrannicall jurisdiction over his subjects: That it is a fraud to his Majestie it plainly appeares, for the King lost exceedingly by it; whereas before the rent afforded the

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King was 11050.l. there was improved by the new lease, that my Lord of *Strafford* took but 1350.l. and I beseech your Lordships observe how much the King lost by it; for my Lord had comprehended in his new lease the impost of wine, for which the King before that time received 1400.l. a yeere; and likewise the Custome of *London Durry*, *Colerane*, and *Knockfergius*, for which the King had reserved 1700.l. a yeere, besides the moiety of the seifures: so here is 5000.l. that the King lost of the old rent expressly: and, if your Lordships please, observe the gain and benefit my Lord of *Strafford* made by it; in one yeere he and his sharers received 39000.l. and in the last yeere 51000.l. and that expressly proved upon two accounts: and if this be his dealing, where is his service to the King in his pretence to advance the Customes?

It is true, he sayes, *the King hath five eighth parts*; but it was but within these two yeeres, the King had it not before. And I would very gladly have heard whether the King received his part of an account of 55000.l. if he had received it, I beleeve wee should have heard of it.

My Lords, there is something more; here is a new imposition on the Kings people without law, and yet I will doe my Lord of *Strafford* no injury: but I tell you how the prooffe stands; It was a book of rates framed before he came to the forme, for the booke of rates was in March, and the date of his assignment is in April following; and therefore my Lord saith, *it could not be for his benefit*. But, my Lords, all this while my Lord of *Strafford* was in England, and in agitation for the procuring of it, and they come one upon the heeles of another, and I beseech you observe *cui bono*; the book of rates was procured within a moneth of the Patent, but God

knowes whether it were not within the compasse of his intentions to take the Patent; and therefore whether he were not the Instrument of raising rates, it rests in your Lordships judgement, and all that heare me; I am sure the benefit redounded to himselfe: and so here is an arbitrary government in imposing and forcing to pay, for that I desire your Lordships to take with you; and hee might as well have raised nineteen shillings on a pound, as nine pence, or three pence, by the same rule of Law.

The next Article in number was the eleventh, and I would be glad my Lord had not mentioned it; it concerns the Pipe-staves, wherein he pretends he did the King great service, *and that*, he sayes, *was the reason of our passing over it*: but that was not the reason; it had beene a foule businesse if we had opened it; but having enough besides, we made not use of it: for the substance of the proofes by multiplicity of witnesses had beene, That the parties themselves that bought the Pipe-staves for foure pound odd money, were faine to sell them to his Instruments for six pounds, and after to buy them againe for ten pounds, else there must be no licence to export them: But that I would not have mentioned if he had let it slip over.

I come to the twelfth Article, and that is concerning the Tobacco, wherein he pretends *the Kings service*, and, if my memory faile me not, *the desire of the Parliament*; *that hee should take this into his hands for the King.*

My Lords, therein, under his favour, hee hath misrecited the evidence, and spoken that hee cannot justifie; for he can shew no such desire of the Parliament. It is true, there was a desire of the Parliament, that the King would

would be pleased to take his Customes into his hands for the advancement of his revenue, that it might goe to maintaine himselfe, and he might not be abused, and others live by it; but to take the Tobacco into his hands, he never did, nor can produce a witnesse to prove such their desire; and therefore, under favour, he fixes a wrong upon the Parliament, and injures your Lordships by his reciting that he neither did nor can make good; for there was no such thing.

But if you observe the course he takes, he makes Proclamation to hinder the importing of Tobacco into Ireland; that if it be imported, it must be sold to him at his own rate; and by this meanes he first hinders the liberty of the subject from doing what the law allowes him, and so takes on him an arbitrary power; and secondly, he ingrosses this commodity to himselfe, deceiving his Majestie, to whom he professeth so much fidelity; for whereas there is 5000. l. rent to the King, he, by the computation of Merchants, receives neere 140000. l. a year: And because their computations are not alwayes true, I doe not care if I allow him 40000. l. mistaken, and then he will gaine neere 100000. l. so that if he intends the Kings benefit, it is wonder he told not his Majestie of the great profit that might thereby have risen, and let him partake of it, as in justice he should have done, according to the trust reposed in him: but you have heard of no such matter. And surely my Lord of *Strafford* would not have omitted it, if it had been for his advantage, especially in this presence, where hee omits nothing to cleere himselfe, or to insinuate with his Majesty.

Now I come to the thirteenth Article, the Article concerning Flax, which I know is fresh in your Lordships memories,

memories, and I beleeve will be so in the memories of the subjects of Ireland for many yeeres, how he ingrossed it into his hands, and interrupted the trade of the poore people, whereby such miseries and calamities befell many of that Nation, that, as you have heard it proved, thousands dye in ditches for want of bread to put in their mouths. And whereas he pretends that this was proved but by one witnesse, and that man to be imprisoned, and of no credit, though he was his owne instrument; your Lordships remember Sir *John Clatworthy* his testimony, and anothers, and his own Warrant produced, and acknowledged here to justifie the execution of it, and such a thing was thereby taken into his owne hands, that I professe I never heard the like, that the poore people should be constrained to use their owne as he pleased, and that pleasing of himselfe laid an impossibility on the people to execute his pleasure, which was a bondage exceeding that of the Israelites under the Egyptians; for there was not laid so much upon the Children of Israel, but there was a possibility to performe; they might with much labour perchance get stubble to burn their brick, but the natives here must have a charge laid upon them without possibility to performe, and the disobedience must cost them no lesse then the losse of their goods, which drew with it even the losse of their lives for want of bread. This was not proved by onely one witnesse, but by many. And your Lordships remember the remonstrance of that Parliament of Ireland, which declares it to a greater height than I have opened it.

The fifteenth Article is that of *levying warre upon the Kings subjects*, expressly within the Statute of 25.E.3. and 18.H.6. Your Lordships have heard the Warrant proved

proved by the party himfelfe, to whom it was directed; whereby power was given to lay fouldiers upon any party, that did not obey my Lord of *Straffords* orders at the Councell Table, but not to circumscribe him to a certain number; but the Seargeant at Arms, and his ministers, might lay as many as they would. It is true, this warrant was not it selfe produced, but a copy was offered, which was not read; and therefore I will not offer it to be proved, but the party that executed the Warrant it self, proves it to be under the hand and scale of my Lord of *Strafford*, he proves the expresse authority of it, which was to the effect I opened; three or foure more, who saw and read it, proved the same: and that it was under the hand and scale of my Lord of *Strafford*, that accordingly it was executed upon divers of the Kings subjects; it was proved by three witnesss expressly in the point, how by colour of this Warrant the Sergeant at Armes, and his Officers, sent fouldiers to lye in the houses and lands of the Kings subjects; how the owners were thereby forced out from their own habitation; how their goods were wasted and devoured, their corn and victuals eaten up, and the fouldiers never left them, as long as any part of their estates remained to maintain them.

My Lord of *Straffords* defence is; that *it hath been used before his time in Ireland*; wherein hee hath againe mis-recited; for he did not offer a prooffe, nor a particle of a prooffe, that ever any man did know fouldiers laid upon any party for refusing to appeare to a Warrant, or for other contempt at Councell Table, before himfelfe did it; but hee offered to prove, that *formerly fouldiers were sent against Rebels, and that after they were declared to be Rebels, and justly too*; and he proved an use and custome to force men to pay the contribution mony due

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to the King, but that was by consent of the people, who granted a contribution of 20000.l. a yeere, for the increase of the Kings revenue; and that it might not be upon record in the Exchequer, and so claimed as due in time to come, they consented that souldiers should be laid upon them that refused it; and the word (*consent*) is within the Statute of 18.H.6. Again, did he prove all manner of rents were levied by souldiers: no such thing; but such rents as were designed for payment of the Army: he proved by Sir *Arthur Terringham* the laying of souldiers once for the payment of a summe of money; but Sir *Arthur* being demanded whether it were the Kings rents, or comprehended within the same generall rule, he could make no answer therunto.

Your Lordships remember, he sayes *he did not know it, and therefore probably it was the Kings rents*; and doubtlesse it was so.

But if he had produced presidents, it could not be an authority for Treason, that if people did not appeare to his orders, he must levie warre against the Kings subjects; and for his extenuation of the warre, *that the same was of no great danger, there being not above five or six souldiers layd at a time*. I would to God the people oppressed by it, had cause to undervalue it: I am sure foure or six Musketers are as strong to oppresse a man as foure thousand; so the matter of fact is strongly and expressly proved. Besides, though there came not above foure or five to a house, yet the authority given to the Sergeant was generall; he might have brought more if hee had listed: and in truth hee brought as many as the estate of the party would maintain.

And as to the not producing of the Warrant, I have already answered it. If it were in the case of *a Deed wherein*

wherein men call for witnesses, it were something; but God forbid that the Treason should be gone, and the Traitor not questionable, if his warrant can be once put out of the way.

The next Article which is laid to his charge is, *for issuing out a Proclamation, and Warrant of restraint, to inhibit the Kings subjects to come to the Fountaine, their Sovereigne, to deliver their complaints of their wrongs and oppressions.* Your Lordships have heard how hee hath exercised his jurisdiction, and now he raises a battery to secure and make it safe. If he doe wrong, perhaps the complaint may come to the gracious cares of a King, who is ready to give reliefe, and therefore *he must stop these cries*, and prevent these meanes, that hee may goe on without interruption. And to that end he makes propositions here, *that the Kings subjects in Ireland should not come over to make complaint against Ministers of State, before an addresse first made to himselfe.* It is true, hee makes a faire pretence and shew for it, and had just cause of approbation, if he had intended what he pretended; But as soon as he came into Ireland, what use made hee of it? he ingrosses the proceedings of almost all the Courts of Justice into his owne hands, and so pre-possesses the King by a colourable proposition, and prevents their coming over before they had made their addresse to himselfe, and then he becomes the wrong doer, and issues Proclamations for the hindering of the Kings subjects to seeke redresse without his leave; which is as great a proofe of his designe, and as great an injury to the people, governed under a gracious Prince, as a heart can conceive. And what his intention was in exhibiting this proposition, it will appeare in the sentence of a poor man, one *David*, who was censured, and most heavily

fin'd for comming over into England to prosecute complaint against my Lord of *Strafford*. It is true, that this was not the cause expressed, but this was the truth of the matter. Your Lordships remember a clause in the order at Councell Boord, whereby is set forth the cause wherefore the party is *not sentenced*, which I never saw in an order before, nor should now, but that my Lord foresaw there was danger in it, that he might be charged in this place for the fact; and therefore puts in *negatively* why the party was *not censured*. *Clausula inconsulta inducit suspicionem*. And how defends he this Article? he sayes, *his Predecessours issued Proclamations to hinder the Kings subjects from going over, lest they should joyne with O'Neale and Tirconnell beyond sea, and so it might be dangerous to the State; but because they may joyn with Forreiners, shall they therefore not come to the King to make just complaint? what this argument is, I referre to your Lordships judgments.*

Then he pretends a former president, affirming that the like Instructions were given to my Lord of *Faulkland*; but was there any, that none should come to their Sovereigne to make their just appeale if injured? Surely there was never any such Instruction before, and I hope never will be againe.

The next Article is the nineteenth: And now when hee had so plentifully exercised his tyranny over the lives, the liberty, and the estates of the Kings subjects. A man would think he could goe no further; but see a Tyranny exercised beyond that, and that is over the Consciences of men: hitherto hee dealt with the *outward man*, and now hee offers violence to the *inward man*, and imposes an Oath upon the Kings subjects,
and

and so exerciseth a tyranny over the Consciences of men.

And setting aside the matter of the Oath, if he hath authority and power to impose such an Oath as he shall frame, he may by the same power impose any Oath to compell Consciences.

He pretends a *warrant from his Majestie to doe it*, but the Kings Ministers are to serve the King according to law; and I dare be bold to say (and we have good reason to thank God for it) if any of the Kings Ministers tell him that any Command he gives is against law, there is no doubt but in his goodnesse and piety hee will withdraw his Command, and not enforce execution; and therefore if there were an errour, the King is free, and the Ministers to be justly charged with it.

But there was no Command from the King to compell and enforce them to take the Oath by the power of the Star-chamber, to commit them to prison, to impose heaive fines, and tyrannize over them; all which he did in the case of *Steward*.

And now onewould have thought hee had acted his part, when he had acted as much as lay *in his own power*; and yet he goes beyond this, he was not content to corrupt all the streames (which was not a diverting of the course, as he spoke in his answer; for he not onely turned the course of the water, but changed the nature of it, converted it into poyson, a legall and just proceeding into a Tyrannicall and Arbitrary government, which is not turning, but corrupting of the cleere and christall streams to bitternesse and death.) But yet the Fountaine remains cleere, and perhaps when his hand is taken off, you shall have the streames run as pure and uncorrupt as ever they did. *This is it troubles him, remove but this obstacle, and*

the work is perfect; and therefore now he will goe about to corrupt the streames : if hee can but infuse his poyson into the Kings heart, which is the Fountain ; then all is done ; and now he attempts that , and approacheth the Throne , endeavours to corrupt the Kings goodnesse with wicked counsels ; but God be thanked he finds too much piety there to prevaile.

And therefore the next Article is that , that charges him *to be an Incendiary to the warre betwixt the two Kingdomes* : and now I shall be bold to unfold the mysterie, and answer his objection : *To what purpose should he be an Incendiary ? were it not better to enjoy his estate in peace and quietnesse , then have it under danger of a warre ?* Now your Lordships shall have the Riddle discovered.

The first thing hee doth after his comming into England is, to *incense the King to a warre*, to involve two Nations, of one faith, and under one Sovereigne, to imbrue their hands in each others blood , and to draw Armies into the field.

That he was this Incendiary , give me leave to revive your Lordships memories with the proofes which will make it plaine ; and first give me leave to note unto your Lordships , that his Majestie , with much wisdom, did in *July 1639.* make a pacification with his subjects, and even at the very heeles of this pacification , when all things were at peace , upon the tenth of *September*, which was the next moneth but one, your Lordships remember the sentence of *Steward in the Star-chamber of Ireland* , for not taking the oath ; your Lordships may call to mind the language my L.*of Strafford* was pleased to use of the Scots : when all was in quietnesse, he then calls them *no better then Traitors and Rebels* , if you will

will beleeeve what the witnesse testifies, whom my Lord is pleased to call a School-master: And truly admit hee were so, *because he is a School-master, therefore not to be beleevd*, is a *non sequitur*. And another witnesse, one *Lof-tus*, speaks to the words, though not in the same manner; but, I say, the tenth of September, when things were at peace and rest, when the King was pleased to be reconciled to them by that pacification, what boiled in his breast then to the breaking forth of such expressions, I know not, unlesse it were an intention to be an Incendiary.

My Lords, I must say and affirme, and he hath not proved it to the contrary, that all this while (I am confident) there was not any breach of the pacification on either side, and it lyes on his part to prove there was: But the Parliament of Scotland then sitting, and making preparation for their demands in pursuance of the Articles of pacification, hee, comming over into England in September, immediately upon the pacification, answers, *That he found things so distracted here that it was fit the Scots should be reduced by force, if they could not be otherwise*: yet no breach appeares, no war was denounced, there was no intention of a warre: But see what harboured in his breast all the while?

The fourth of December following, my Lord Traquaire made his relation to the Councell of the Scots proceedings: and all this while there was no Demands brought by the Scots themselves, nor reason of their Demands brought by others, though they were prepared; yet you have heard his advice was *for an offensive warre*, and *that the Demands were a just cause* of the war. And though he pretends hee said no more then what the rest of the Lords of the Councell concurred with him in,

I will joyne in issue with him in that, and if some of your Lordships be not satisfied, you have many noble Lords among you, from whom you may be satisfied that it is not so; I am sure he proves it not. It is true, in the proposition of the Demands some of the Lords of the Councell did say, that *these Demands hypothetically, if the Scots did not give satisfaction by their reasons, were a just cause of warre*; but not any Lord of the Councell was of opinion, that *the very Demands, positively, without hearing of the reasons*, were a just cause of warre, but himselte; and I beleewe the noble Lords of the Councell their Consciences can tell them, and I beleewe will deliver it to the rest of the Peeres, that I speake truth.

For *the offensive warre* he pretends a concurrence of the rest, but it was disproved; many were for it upon these termes, *if they did not give reasons, and shew just cause for their Demands*; and many were against an *offensive warre* upon any terms, and therefore herein he fixes that upon the Lords of the Councell, that hee cannot make good.

All this while his intentions are discovered by a matter precedent, but after the breach he discovers his anger further towards the Scottish Nation, and makes it his designe to incense the King to this warre.

My Lords, hee is not at an end yet, for he confesses himselte that *hee advised the King to call a Parliament*; and now I come to his *work of merit*, but it was to his destruction, and serves to prove this Article directly; for to what purpose was this Parliament called? *Exitus acta probat*; it was no sooner set, but within three weekes a proposition is made for supply towards a warre against the Scots: who was the cause of calling the Parliament? himselte;

himselfe; and therefore who was the cause of this proposition but himselfe? and so the calling of the Parliament is a concurring evidence of his being an Incendiary to put on the warre; and it shall appeare anon abolutely, that he was the occasion of it, though he thinks there be no prooffe of it.

Did not he goe over into Ireland, and by his solicitation there, Subsidies were granted by the Parliament, *onely to maintaine this warre, and to shew their ingagement in it?* and who was the occasion of drawing them on, I referre to your Lordships judgements, by the circumstances precedent.

Your Lordships heard his good opinion of the Scots, when he began to discourse with the Citizens touching money, and their affording of the King supply; and *leaving the mint, by giving them no better expressions than Rebels, for, saith he, you are more forward to help the Rebels, than to pay the King his owne.* I know not who hee meant, but certainly the Scots were in his thoughts; so that from the beginning he incited the warre against them. *first, hee exalimed against them during time of peace.* He alledges in his answer, *that things were found in such distraction, that it was fit the Scots should be reduced by force;* he gave advice precipitately without hearing the reasons, and not concurrent to the Councell, for an offensive warre; and putting all together, I referre it to your Lordships judgement who is the Incendiary; for how can it be proved indirectly, unless it should appeare under his hand and seale, proved by two or three witnesses?

Now, my Lords, how comes this to be his designe? here the mystery comes to be unfolded. Having thus incensed to the warre, and ingaged the King to the utter-

most, and having a Parliament now dissolved without supply, he sets up an *Idol of his owne creation*, as a means to draw on his designe, and that was *necessity*; necessity is it that must enforce the King: what to doe? to levie money, to use his Prerogative, to raise supplies upon his subjects without their consent, against their will, *necessity* must be his argument, and *this warre* must be the occasion of that *necessity*, and without that he cannot suggest to the Kings care, or advise this necessity, till this bee brought to passe.

And now he hath brought it to passe, he began in the one and twentieth, two and twentieth, and three and twentieth Article, to perswade the King, that *necessity hath surprized him, by the Parliaments deserting of him; that the Parliament had forsaken the King, in denying supply, and having tried the affections of his people, bee was loose, and absolved from all rules of government, and had an Army in Ireland which he might employ, to reduce this Kingdome.*

That he spake these words to the King, part is proved by two concurrent witnesses, that is, that *having tried the affections of his people, he was now loose, and absolved from all rules of government*; which words are proved by two witnesses of eminent quality, that is, my Lord of Northumberland, and Sir Henry Vane: and truly, howsoever my Lord in his speech pretends, that *the most materiall words are proved but by one witnesse* (it seeming that hee held it not a materiall charge, that he counselled the King that he was absolved from all rules of government) for my part, if your Lordships be satisfied those words were proved, I could willingly satisfie my owne Conscience in it, and make no great matter to quit the rest; for I know not how he could expresse it in higher termes,

termes, then that *the King was absolved from rules of government*, for then he might doe *what he would*.

It is true, the latter words, *touching the Irish Army*, are expressly proved but by one witness, master Secretary *Vane*; but are fortified againe with such circumstances as make up more then one, yea, more than two other witnesses, if your Lordships will have the patience to have it represented, as it is proved.

For howsoever it be slighted by him, if your Lordships will call to mind the words of Sir *George Radcliffe*, his bosome friend (to whom he had contributed without question his advice in all causes) the said Sir *George Radcliffe* expressed it before, and told some of his friends (supposing that he never should be called in question, and that the power of my Lord of *Strafford* had been enough to protect any thing he had done, and out of the abundance of the heart his mouth spake) *the King must now want no money; if he did, no body would pity him, now he had his sword in his hand*.

Sir *Robert King* proves it so. My Lord *Renold* discovered the smoake of the fire that hee had just cause to suspect, and on good grounds, I am sure; and if the Commons of England had not just cause to suspect him (as I beleeve he is convinced they had good cause) what is the reason this suspicion should bee entertained at that time, my Lord of *Strafford* being not then questioned for it? and yet my Lord *Renold* should say, *Shall wee turne our swords upon our owne bowels? Shall we bring this Army to turne the points of our blades upon that Nation from whence we were all derived?* and that was before any conference with master Secretary *Vane*.

Sir *William Penniman* himselfe, his owne witness and friend, sayes, at York, before my Lord of *Strafford* was questioned,

questioned, that there was a common fame of bringing the Army into England, and there is something in that surely; and after all this, to produce one witness that expressly proves the very words spoken *in terminis*, as they bee charged, if your Lordships put the whole together, see whether there be not more then one witness.

And, under favour, my Lord Cottington, if you call to mind his testimony, I must justifie, he did declare, that he heard my Lord of Strafford tell the King, that some reparation was to be made to the subjects property; which must inferre, he had advised an invasion upon the property; else by no good coherence should a reparation bee made. And that he testifies this, I must affirme, and most here will affirme it; and I think your Lordships well remember it: and that is an addition to it; for if your Lordships cast your eye upon the interrogatory administred to my Lord Admirall, and my Lord Cottington, that very question is asked; so that his owne Conscience told him, he had advised something to invade upon the people, when he advised to a restitution after things should be settled: and so I reserre it to your Lordships consideration, whether here bee not more then one witness by farre.

It is true, he makes objections to lessen this testimony; first, that this Army was to be landed at Ayre in Scotland, and not here; and this was declared to Sir Thomas Lucas, master Slingsby, Sir William Penniman, and others. Secondly, that others that were present, when the words are supposed to be spoken, did not heare any such words.

For the first: perhaps the Army might be originally intended for Scotland, and yet this is no contradiction but he might intend it afterwards for England; surely this is no Logick, that because it was intended for one place, it
could

could never be intended for another place; so his allegation may be true, and the charge stand true likewise.

Beside that it was intended originally for Scotland, what prooffe makes hee? Hee told severall persons of the designe, but I will be tryed by himselfe, he told some, it was for Scotland, he told others it was for England; and why you should beleieve his telling on one side, more then on the other side I know not; though he pretends a reason of his severall allegations that *the world should not know his designe*, but if you will not beleieve him one way, why should he be beleived the other way? and if not the other way, why the first way?

For the second, severall persons were present when the words were spoken touching the Irish Armie, and they were examined, and remember not the words; but one man may heare, though twentie doe not heare; and this is no contradiction at all: For those persons whom he examined, the Lord Treasurer, Marquess Hambleton, my Lord Corington, did not heare the words that are proved by two witnessses, concerning the Kings being loose, and absolved from rules of government: and if they did not heare those words, no marvaile they did not heare the other: and therefore that which hee himselfe pretends to be a convincing testimonie, is nothing at all; so that his objections are clearely taken away, and the single testimonie fortified with testimonies that make above one witnessse, and so the words are fully proved.

But to fortifie the whole, I shall handle all these Articles together, This designe to subvert the Law, and to exercise an arbitrary power above the Law in this kingdome, will (upon the proofes putting them altogether, and not taking them in pieces as my Lord of Strafford hath done) appear to have been harboured in his

thoughts, and settled in his heart long before it was executed.

You see what his Counsels were, *That the King having tryed the affections of his people, was loose and absolved from all rules of government, and might doe every thing that power would admit, and his Majesties had tryed all wayes, and was refused, and should be acquitted of God and man, and had an army in Ireland, wherewith if hee pleased he might reduce this kingdome:* so there must be a triall of his people, for supply that is denied, which must be interpreted, a defection by refusall, and this refusall must give advantage of necessity, and this necessity must be an advantage to use his *Prerogative* against the rule of the Law, and consent of the People; this is his advice. which shewes that this very thing that hapned did harbour in his thoughts long before the breach of the Parliament, and the occasion of the Armie.

Your Lordships have heard it confessed by himselfe, *That before this last advice, he had advised the calling of a Parliament:* to the Parliament a proposition of twelve Subsidies was made for supply, and (which may be spoken with great assurance) before they had consulted, or given any resolution to that proposition, the Parliament was dissolved, upon a supposal that the supply was denied. Now that this was predestined by my L. of *Strafford* himselfe, I beseech you observe these things following, that is, *the words in the two and twentieth Article, That his Majestie was first to try the Parliament, and if that did not supply him, then he would serve the King any other way.*

His words are proved by Mr. Treasurer, *That if the Parliament supplied him not, hee would serve him any other way;* and this is before the Parliament set: now if your Lordships heare the proofes of my Lord Primate (which

(which my Lord of *Strafford* flights taking it singly) My Lord Primate before the Parliament was called, when my Lord of *Strafford* was in Ireland, and not yet come into this kingdom, testifies, my Lords, saying, *That if the Parliament will not supply his Majestie, the King was acquitted before God and Man, if hee tooke some other course to supply himselfe, though against the will of the Subjects.* I beseech your Lordships observe how he prophecies these things must come to passe, and advised them accordingly.

My Lord *Conway* testifies, that before the Parliament late, my Lord of *Strafford* said, that *if the Parliament would not supply his Majestie, the King was acquitted before God and Man, if hee tooke another course to supply himselfe, though it were against the will of the subject, and he doubts not but the Parliament would give, what twelve Subsidies: and your Lordships very well remember, twelve were propounded; but I beseech you observe the coherence of all: the Parliament must be called, they must be tryed, if they deny there is necessity, and this necessity is a warrant for the King to proceed; so that my Lord of Strafford must be judged to be either a Prophet, or to have this designe before hand in his thoughts.*

Now the Parliament being broken before answer to the demand given, he vents his counsell in the three and twentieth Article, and how far it is proved your Lordships have heard. Now comes *the Bullion to be seized, the Copper money to be advised, and now comes he to tell the King that the Aldermen of London must be put to fine, and rancome, and laid by the heeles, and no good would be done till some of them bee hanged, so you heare his advice; I beseech your Lordships observe what successe this advice tooke; foure Aldermen were instantly committed,*
and

and then the Councell of the three and twentieth Article is fomented.

First, he fomentes the *warre*, then there is a necessitie, the defection of the Parliament must set the King *loose from rules of government*, and now see whether the occasion of the warre, the calling of the Parliament, the dissolving of it, be not adequate to what he propounded to himselfe, namely, to set up an *arbitrary government*.

Your Lordships remember how fresh my Lord of Bristowes memorie is, touching my Lord of *Siraffords* opinion upon the dissolution of the Parliament, how he declared unto my Lord of Bristow instantly within three or fower dayes after, *That the King was not to be mastered by the forwardnesse of his people, or rather of some particular persons*; and your Lordships remember Sir *George Wilmourths* words spoken the very day of dissolving the Parliament which may be very well applyed as a concurrent proof to his intentions of bringing the Army into England. He was my Lords owne brother, that knew much of his Councell, and his words are, *That the English Nation would never be well, till they were conquered over againe*. So my Lords put all together, if he declared his owne intentions, if actions, in executing of this tyrannicall, and arbitrary power, if *Counsels* of as dangerous consequence, in as high a strain as can be, be not a sufficient evidence to prove an intention, and desire, to subvert the Law, I know not what can prove such an Interpretation: and now I referre it to your Lordships judgments, whether here be not a good proofe of the Article laid to his charge.

My Lord in the seven and twennith Article hee is charged with *levying of warre upon the Kings people, by forcing them in Yorkshires to pay money*: to prove they

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were so forced, you have heard by two witnesses, that Sergeant Major *Yarrowth*, by Musketeers, fower together *in the towne*, and one by one *out of the towne*, did compell them to pay the fortnights contribution, *else they were to serve in person*: That hee did this by warrant is likewise confessed by *Sir William Penyman*; and whether this were an authoritie derived from, or commanded by my Lord of *Strafford*, that is the question; and, my Lords, it is plainly proved, that it was commanded by my Lord of *Strafford*, for *Sr. William Penyman* himselfe being examined, alledged that the warrant was made *in pursuance of the relation, and direction made by my Lord of Strafford*.

Your Lordships heard what my Lord of *Strafford* did say before hand, as is proved by two witnesses, (*Sir William Ingram* and *Mr. Cholmeley*) that this money should be paid, or levied on the subjects goods; *Then his declaration to Sir William Penyman*, (in pursuance of which he made his warrant) *That it was the assent of the Lords of the great Councell*, that this money should be levied; and taking all together, whether it fixes it not upon him to be the authour and instrument; it rests in your judgements in point of fact: and so I suppose the seven and twentieth Article rests on him, and so I shall conclude the evidence produced on the behalfe of the Commons.

And now give me leave to put your Lordships in mind of some evidences offered by my Lord of *Strafford* himselfe in his answer, and in the passages of his defence, for his *clearing and justification*, but tending directly to his condemnation.

I will enter upon some passages he mentioned to day,

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and often before. When he is charged with invading the estates of the Peeres of the kingdom of Ireland, and determining them upon paper partitions in an arbitrary way, your Lordships have heard him speak it before, and repeat it this day, that he did it out of compassion for the more expeditious proceeding on behalfe of the poore, against these mighty. But then, my Lords, I beseech you compare some other part of his proceedings. Your Lordships remember the businesse of the Flax, which concernes the poore wholly and universally; and if compassion had beene the rule and direction of his actions towards the poore, surely this would have beene a just cause to have commiserated them in this case; but hee exercised his power over them, and over them wholly, and over them universally: and therefore it shewes, it is not his compassion to the poore, nor respect to the rich, or mighty, that will any way restraîne or obstruct his wayes, to his owne will. And therefore you may see what truth there is in his answer, by comparing one part of the charge with another, when the businesse of the Flax brought that calamity upon the Kings Subjects, that thousands of them perished for lacke of bread, and dyed in ditches.

Secondly, your Lordships have often heard him use a libellicall insinuation, wondering that he should be charged with words, and they strained so high as to be made treason, to question his life, and posterity, though the words might be spoken unadvisedly, or in discourse, or by chance: your Lordships remember the fifth Article touching his proceedings against my Lord Mordaunt Norris where words were spoken in an ordinary discourse at dinner, and slight ones, God knowes, of no consequence at all, such as apothor man would scarce have harkened after, and yet my

my Lord extends them to the taking away of my Lord
William Morris his life; gets a sentence of death against him,
 and that against Law, with a high hand, in such a manner,
 as I thinke your Lordships have not heard the like; and
 therefore, I beseech you, compare one part of his answer
 with another, and see how ready he is to make use of any
 thing that may excuse himselfe, and yet when he comes
 to use his power, you see his exercise of it.

You have heard how hee magnifies his zeale for ad-
 vancing the Kings benefit, & revenue, and his care of his
 service, and would shelter and protect himselfe under it,
 to justify an exorbitant action: but if your Lordships call
 to mind the businesse of Customes for Tobaccos, (which in
 truth were the Kings right and due, and a great profit
 was thereby advanced; and he trusted to advance it.)
 The King must loose of his former rents in the case of
 Customs, and received a small rent in the case of To-
 bacco, my Lord himselfe in the meane time imburshing
 such vast summes of money: where is then the discharge
 of his trust: where is his care to advance the Kings rents;
 to encrease his revenue? Compare that part of his an-
 swer with this, and see what credit is to be given to his
 affirmation.

My Lords, throughout the passages of his discourse he
 insinuates, (and never more then this day) with the
 Peeres of the Realme, magnifying them almost to Idol-
 latry, and yet my Lords, *whom he was in his kingdom,*
 in Ireland, and had power over them, what respect
 shew'd he then to the Peeres of the kingdom, when he
 judg'd some to death, imprison'd upon others in misery,
 committed them to prison, and seized on their estates;
 where there was no reason to be magnified.

And to shew it was an insinuation for his owne advantage, you may remember, when there was an unlawfull Act to be committed, that is, the levying of money in the North, what regard had he then to the Peeres of the kingdome, when hee comes to justifie and bouldier up high treason it selfe, under the name and authoritie of *the great Councell*, where most of the Peers of the Realm then were; and so by this time I know what credite your Lordships give to his words spoken, when he lyes under your mercy, and power: But what doe I speake of the Peers of the kingdome, and his using of them? My Lords, he spared not *his Sovereigne*, his Majestie in his whole defence; for being charged with offences of a high nature, hee justifies those offences under the pretence, and under the authoritie of his Majestie, our gracious King and Sovereigne, even *murder it selfe*, in the case of *Denwit*, and *my Lord Mountnorris*. Treason it selfe, in the fifteenth Article by a command in Ireland, and in the seven and twentieth, by a pretended authoritie from his Majestie in the face of his people; hee justifies my Lord Mountnorris his sentence by a letter from his Majestie, *Denwits* sentence by a Commission from his Majestie, and hee read three or fower clauises to that purpose.

My Lords, my Lord of *Strafford* doth very well know (and if he doth not know it, I have a witnesse, to produce against him, which I yll not examine, but refer it to his owne Conscience, that is, the pension of right) that the Kings servants are to serve him according to law, and in otherwise he very well knew if an unlawfull act be committed, specially to a degree of Treason and Murder, the Kings authority and warrant produced, is

no justification at all: So then, my Lords, to mention the Kings name, to justify an unlawfull act in that way, can doe him no good; and his owne understanding knowes, it may doe the King harme, if wee had not so gracious a King, that no such thing can doe harme unto.

But, my Lords, to produce the Kings warrant to justify his actions under his Patent and Command, what is it else, but so farre as in him lies, in the face of his people, to raise a cloud, and exhale a vapour: to interpose betwixt the King and his subjects: whereby the splendour of his glory and justice cannot bee discovered to his people.

My Lords, what is it else, when the people make complaint against the Ministers (that should execute justice) of their oppression, and slavery, and bondage: For the Minister, when he is questioned, to justify this under the Kings authority, what is it, I say, but, as much as in that Minister lies, to fix this offence, to fasten this oppression upon the King himself, to make it to be believed, that the occasion of these their groanes proceeded from his sacred Majestie: yet God be thanked the strength of that Sunne is powerfull enough to dispell these vapours, and to disperse the cloud that hee would have raised; but in the meane time my Lord is nothing to be excused.

My Lords, he may pretend zeale to the Kings service, and affection to his honour, but give me leave not to believe it, since, when he is questioned by all the Kings people, and in the face of his people, and offences laid to his charge, which himselfe now confesses to be against law; he should justify it under the Kings authority; that sa-

yours not of a good servant: I will say no more.
 My Lords, he is charged with exercising of a tyrannicall
 power over the Kings people, and in his defence your
 Lordships have often heard (and I may not omit) that
 he shelters himself under the protection of the Kings Pre-
 rogative, though he be charged with tyranny of the
 highest nature that may be: see then how foule and ma-
 lignant an aspect this hath. My Lords, what is it else, but
 to endeavour, as much as in him lies; to infuse into the
 Kings heart an apprehension, that his Prerogative is so
 boundlesse a gulf, so unlimited a power, as is not to be
 comprehended within the rules of law, or within the
 bounds of government: for else why should he ment-
 on the Prerogative, when he is charged to exceed the
 law? What is it else, but, as farre as in him lyes, to make
 the people beleeve (for I may not forget the words hee
 hath used) by his magnifying of the Prerogative, that it
 hath a speciall stamp of Divinity on it, and that the sub-
 jects of the government that God pleases to put into the
 Kings hands, had not that stamp upon it, as if any thing
 done by one, was to be justified by authority deriv'd from
 heaven, but the other not.
 These expressions your Lordships remember; and I
 may not omit to put your Lordships in mind of them;
 and I can expound them no other wise, then, as much as
 in him lies, to make the subject beleeve and apprehend
 that which is the buckler and defence of his protection,
 to be the two edged sword of his destruction, according
 to the doctrine he preached; and that that which is the
 Sanctuary of their liberty, is the snare and engine of
 their slavery. And thus he hath cast a bone of contem-
 nion, as much as in him lay, betwixt King and people, to
 make

make the subjects loath that glorious flower of his Crowne, by fixing a jealousie in them, that it may bee a meanes of their bondage and slavery.

But there is so much piety and goodnesse in the Kings heart, that I hope, upon faire understanding, there will be no such occasion; but no thanks to the party, that so much advanced the prerogative in the case and condition he stands in, to justify that which is laid to his charge of high treason.

My Lords, I beseech you give me leave; there is no greater safety to Kings and people, then to have the throne incircled with good Counsellors; and no greater danger to both; then to have it encompassed with wicked and dangerous ones; and yet I beseech you call to mind how hee hath attempted to deprive the subjects of all meanes to discover this danger, by insinuating to your Lordships, what a dangerous thing it were; if Counsellors should be called in question for giving of counsell: for what then (saith he) would be a Counsellor? where is your safeguard? where is the Kings service? Is not this, as much as in him lies, to deprive the people of the means whereby they must make themselves happy, and whereby the King must be happy, that is, by his having good Counsellors about him? and yet he infuses that venom, that the questioning of Counsellors is dangerous both to King and Peeres, if it should be brought into example. My Lords, for many yeeres by past, your Lordships know an evil spirit hath moved amongst us, which in truth hath been made the author and ground of all our distractions, and that is necessity and danger: this was the bulwarke and the battery that serves to defend all exorbitant actions: the ground and foundation of that great invasion of our liberties.

liberties and estates, the judgement in the ship money, and the ground of the counsell given of late to *doe any thing*, and to perswade the King that *he was absolved from all rules of government*; and yet your Lordships have observed in the course of his defence, how often he hath raised this spirit, that *God be thanked hath bene laid*, to the great comfort of King and Kingdom, by your Lordships, and all the Commons in Parliament. And when he stands under this question, and goes about to justify his exorbitant actions, how often hath he created this Idol againe? and therefore I am affraid he discovers too much his owne heart in it.

My Lor: I may not omit some other passages in his defence, *how he hath cast scandalls upon three Nations in this place*; that is, in his first day of defence, when the Irish Remonstrance, made by all the Commons of Ireland, was produced by the Commons of England, he expressed in a passion, that *things were carried against him by faction and correspondence*, and (if hee had time he would make it appear) *with a strong conspiracy*. Here is a scandall cast upon the Parliament of Ireland with a reflection on the Commons of England; howsoever, it is true your Lordships may remember the recantation he made that day, which I will not omit, desiring not to lay any thing to his charge but what is true; but it is the reflection of a scandall that I cannot omit to put your Lordships in mind of; and the rather, because this Remonstrance, presented from the Parliament of Ireland, did beare date before my Lord of *Strafford* was charged here, which is very remarkable, viz. the seventh of *November*; and therefore, though he pretends a correspondence, certainly there could be none then, for he is not charged here til the tenth.

And

And the same day, justifying a sentence in the Castle Chamber, your Lordships remember he affirmed, that *unlesse a strict hand were kept upon the Nation there, they would find it hard to prevent perjury, one of the most crying finnes in Ireland.* Now to lay an aspersiō upon the subjects of Ireland, being under the government of the same King with us, how fit this is to be done by a man in that condition that my Lord of *Strafford* is, I referre to your consideration.

Another passage I remember, whereby in his defence he fell upon that Nation; in answer of which I may not omit to do the service I owe to the Commons for whom I am trusted, and that is, that talking of an arbitrary and tyrannicall government, in reference to some Orders of the Commons House in Ireland, hee used words to this purpose: *You talk of an Arbitrary government, looke upon these Orders, here is an Arbitrary government:* and yet when he produced the Orders, they appeared to have so much *justice and discretion* in them, that he can lay nothing to the charge of them, though in a passion he is not backward to asperse them.

My Lords, if this Lyon (to use his own language) now that hee is chained and muzzled under the restraint and question of high Treason, will here take the boldnesse to vent this language, and expresse this malignity, how would he doe if he were unchained? how would he devoure? how would he destroy? &c.

My Lords, something concerns your Lordships; your Lordships remember that hee was not backward in his owne answer, to *fix a charge of high Treason upon the Lords of the great Councill;* and howsoever, hee hath affirmed this day, I must open it againe, that the charge of the seven and twentieth Article he fixes in

his answer to be by consent of the Lords of the great Council, though he hath since recanted it; and yet you have heard him alledge, that he will stand and fall by the truth of his answer.

My Lords, I am now at an end. You have my Lord of *Strafford* here questioned for high Treason, for going about to subvert the fundamentall lawes of both Kingdomes, in defence whereof your noble Ancestors spent their lives and bloods. My Lords, you are the *sonnes of these fathers*; and the same blood runs in *your* veins, that did in theirs; and I am confident you will not think him fit to live, that goes about to destroy that which protects your lives, and preserves your estates and liberties.

My Lords you have the complaints of three kingdoms presented before you against this great person; whereby you Lordships perceive that a great storme of distemper and distraction hath been raised, that threatens the ruine and distraction of them all.

The Commons, with much paines and diligence, and to their great expence, have discovered the *Jonas*, that is, the occasion of this tempest.

They have still and will discharge their Consciences, (as much as in them lyes) to cast him out of the Ship, and allay this Tempest.

They expect and are confident your Lordships will perfect the worke, and that with expedition, lest with the continuance of the storme, both Ship, and Tackling, and Mariners, both Church and Commonwealth bee ruined and destroyed: The danger and horreur of this storme, your Lordships shall heare by the Gentleman that is next to speake.

F I N I S.

